

II. REMARKS/ARGUMENTS

These Remarks are in reply to the Office Action mailed October 6, 2005. Claims 1-4 and 10-15 are pending in the Application. The Office Action rejected each of these claims. Independent claims 1 and 15 currently are amended. No fee is due for the addition or any new claims.

Rejection for Anticipation Pursuant to Section 102(e)

The Office Action rejected claims 1, 10, 12, 14, and 15 under 35 U.S.C. § 102(e) as being anticipated by Zahavi *et al.* (U.S. Patent No. 6,577,859; hereinafter, Zahavi). Applicant respectfully disagrees, based at least upon amendments to the claims and the remarks below.

According to the examiner, applicant previously argued that the cited art fails to teach a “conversation element that is dynamically input in real-time by a user and then stored.” Office Action at 3. The examiner indicated that the rejected claims did not recite this limitation.

The current Reply amends independent claims 1 and 15 to recite the above limitation: “the processing device can be invoked by a user for dynamic interactive use with a second user of the stored conversation elements, and for text-to-speech conversion for real-time dynamic input with the second user” That is, the stored information can be used for a dynamic interactive conversation, or text-to-speech mode can be used for dynamic interactive conversation. Support for the amendments is found for example in the specification at page 8 (“[T]he conversation permitted is expressive.... Conversation structures may be predefined, recorded as needed, or synthetically generated on demand (e.g., text-to-speech)"); at page 12 ("Ed then types in quick note that he will be free at 1:30 p.m. for a full debriefing. A Quiet Call text-to-speech function voices the message and they both hang up."); and at page 17 ("In an embodiment, audio generator 34 is a text-to-speech generator, sound card, sound effects generator, playback device, in combination and/or equivalent.").

Moreover, Zahavi fails to disclose “a recording device coupled to the second electronic device for audio recording into an utterance data store,” as taught in independent claims 1 and 15 as amended. Support for this limitation can be found, for example, at page 18 of the specification: “Audio recording into an utterance data store may be made by selecting one or more elements from the conversational representation and invoking a record command.”

Further, Zahavi fails to disclose “an impedance matching capable of connecting the telecommunication infrastructure to an ongoing call,” as in Independent claims 1 and 15 as amended. Support for this limitation is found, for example, in the present specification at page 14-15: “A

switchable (switch 37) audio input 36 allows a user to voice directly into a telephone when appropriate." See also page 18:

A connection is provided between user conversational inputs generated from the switchable audio input 36 or audio generator 34 that delivers signals appropriate for telephone transmission while causing no audible content produced directly by the local user to the local area. This includes . . . electronically processed signals such as an impedance matching circuit. . .

Fig. 5 illustrates an impedance matching circuit 22. Resistances R_1 and R_2 are selected to match the input and output signals. The Capacitor C_1 eliminates some of the signal interference (voltage blanking for DC component).

At least these limitations distinguish the present claims over the cited art. Accordingly, independent claims 1 and 15 now are allowable over Zahavi. Because all the remaining dependent claims depend from claim 1 as amended, and claim 1 is allowable over Zahavi, the dependent claims also are not anticipated by Zahavi and are allowable. Applicant respectfully requests reconsideration of the rejection and a notice of allowance for all pending claims.

Rejection for Obviousness Pursuant to Section 103

The examiner rejected claims 2-4 as obvious over Zahavi as applied to claim 1. Office Action at 5. Applicant respectfully disagrees. As established above and as incorporated herein in full by reference, Zahavi does not teach or suggest each of the elements of claim 1 as amended. Because claims 2-4 depend from claim 1, claims 2-4 are not obvious over the cited art. Applicant respectfully requests reconsideration of the rejection and a notice of allowance in connection with claims 2-4.

The examiner also rejected claim 11 (dependant from independent claim 1) as obvious over Zahavi as applied to claim 1, in further view of Parikh (U.S. Pat. No. 6,408,177 B1, "Parikh"). Applicant respectfully disagrees with the examiner's suggestion that claim 11 is obvious over the cited art, at least because neither reference, alone or in combination, teaches or suggests each of the limitations found in claim 1 as amended, as set forth above.

Parikh teaches a call management system for inbound calls, with inbound call data sent to a receiving user via a data channel, rather than over a voice channel for purposes of conserving air time and network resources. Parikh at Col. 3, lines 30-35. As taught in Parikh, a call management system interacts with incoming calls, allowing the "subscriber to respond to the caller without taking the

call." Parikh at Col. 4, lines 23-25 (emphasis supplied). Thus, Parikh does not teach a dynamic, interactive communication between two users. Parikh thus adds nothing to the teaching over Zahavi, and does not teach the limitations set forth above in independent claims 1 and 15. Accordingly, because the cited art does not teach or suggest each element of independent claim 1 as amended, dependent claim 11 cannot be obvious over the cited art. Applicant respectfully requests reconsideration of the rejection of claim 11, and a notice of allowance.

The examiner rejected claim 13 (dependant from independent claim 1) as obvious over Zahavi as applied to claim 1, and in further view of U.S. Pat. No. 6,389,114 B1 to Dowens ("Dowens"). Applicant respectfully disagrees with the examiner's suggestion that claim 13 is obvious over the cited art, at least because the examiner has not indicated how either reference, alone or in combination, teaches or suggests each of the limitations in claim 1 as amended. Moreover, Dowens teaches a telecommunication relay that relays communications between a first terminal used by a first party, and a second terminal used by a second party. According to Dowens, the first and second terminals must be different types, *i.e.*, they each must be a different one of a telephone station, text communication terminal such as a personal digital assistant ("PDA"), two-way pagers, or text telephones. Dowens Col. 1, lines 33-35 ("the telecommunication relay device permits parties using different types of terminals to communicate with each other"); 61-62 ("a conference may be conducted among conferees having different type terminals"); *see also* independent claims 1, 12 ("A method for relaying communication between a first party using a first terminal of a first type and at least a second party using a second terminal of a second type, the first type being different than the second type . . .").

In contrast, no such limitation applies to the present invention. Accordingly, because the cited art does not teach or suggest each element of independent claim 1 as amended, dependent claim 13 cannot be obvious over the cited art. Applicant respectfully requests reconsideration of the rejection of claim 11, and a notice of allowance.

III. CONCLUSION

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if she can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: WLR

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